

REMARKS

Claims 35-55 are presented in the present application. Claims 35, 42 and 49 have been amended to more clearly define the subject matter of the present invention. These amendments to the claims do not include any new subject matter and support can be found, among other places, in the originally filed claims.

Applicant respectfully requests admission of amended claims 35, 42 and 49.

Claims 35-55 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite or failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as discussed in paragraphs 2, 3, and 4 of the Office Action. Applicant respectfully traverses this rejection.

Claims 35 and 42 have been amended to clarify the issues stated in paragraph 3 of the Office Action. More specifically, line 11 of claim 35 and line 10 of claim 42 have been amended to recite a "first elongated member". To further clarify the elements recited in the claims, lines 15-17 of claim 35 and lines 14-16 of claim 42 have been amended to recite "the first elongated member of the first leg and the first elongated member of the second leg".

Lines 19-22 of claim 35 and lines 18-21 of claim 42 have also been amended to clarify the recited elements in the claim as requested in paragraph 4 of the Office Action. More specifically, this portion of each claim now recites "a bead on the supporting surface of the base with portions of the bead between the supporting surface of the base and the end portion of the second elongated members of the first and second legs". This amendment to the claim will more clearly recite the relative positioning of the various elements with respect to the bead on the support surface of the base.

Examiner has stated that claims 35 and 42 appear to be allowable but allowance is being held in abeyance until receipt of claims that overcome the rejections under 35 U.S.C. 112, second paragraph. Applicant believes that claims 35 and 42 have been amended to overcome this rejection. As a result, applicant

respectfully requests consideration and allowance of amended claims 35 and 42.

Applicant notes that no comments were made by the Examiner with respect to independent claim 49; however, portions of claim 49 are drafted in a manner similar to claims 35 and 42. As a result, in order to avoid any confusion and the possibility of any future actions by the Examiner based on the wording of the claim, claim 49 has been amended in a manner similar to claims 35 and 42. More particularly, lines 13 and 17-18 have been amended to recite a "first elongated member" and lines 23-24 have been amended to recite "the end portion of the second elongated members of the first and second legs".

Claims 36-41 depend either directly or indirectly from claim 35, claims 43-48 depend either directly or indirectly from claim 42 and claims 50-55 depend either directly or indirectly from claim 49. Applicant has discussed earlier how claims 35, 42 and 49 have been amended so as to particularly point out and distinctly claim the subject matter of the present invention, and should now be allowable. As a result, claims 36-41, 43-48 and 50-55 should be similarly allowable.

The amendments to claims 35, 42 and 49 have been made for clarification purposes only. There was no intent in these amendments to limit the scope of any of the claims in light of any prior art. Rather, the claims were amended in a manner necessary to clarify the claim as requested by the Examiner in paragraphs 3 and 4 of the Office Action.

Applicant believes the present case is now in condition for allowance of all claims and such action is respectfully requested. If there are any issues left to be resolved, Examiner is requested to contact applicant's attorney at the telephone number provided below.

Attached hereto is a marked-up version of the amendments to the claims made by the instant amendment. The attached page is captioned "Version with markings to show changes made".

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE CLAIMS

Claims 35, 42 and 49 have been amended as follows:

35. (amended) An elongated spacer stock used in the manufacture of a spacer frame to space sheets of an insulating unit, the spacer stock comprising:

an elongated base having a supporting surface;

an elongated first leg having a first elongated member joined to the elongated base and a second elongated member joined to the first elongated member of the first leg and having an end portion positioned over the supporting surface of the base;

an elongated second leg having a first elongated member joined to the elongated base and a second elongated member joined to the first elongated member of the second leg and having an end portion positioned over the supporting surface of the base, the first elongated member of the first leg and the first elongated member of the second leg and the base joined together to have a U-shaped cross section; and

a bead on the supporting surface of the base with portions of the bead between the supporting surface of the base and the end portion of the second legs—elongated members of the first and second members—legs.

42. (twice amended) A spacer frame to space sheets of an insulating unit comprising:

an elongated base having a supporting surface;

an elongated first leg having a first elongated member joined to the elongated base and a second elongated member joined to the first

elongated member of the first leg and having an end portion positioned over the supporting surface of the base;

an elongated second leg having a first elongated member joined to the elongated base and a second elongated member joined to the first elongated member of the second leg and having an end portion positioned over the supporting surface of the base, the first elongated member of the first leg and the first elongated member of the second leg and the base joined together to have a U-shaped cross section; and

a bead on the supporting surface of the base with portions of the bead between the supporting surface of the base and the end portion of the second legs elongated members of the first and second members legs.

49. (amended) An insulating unit comprising:
a pair of sheets;
a spacer frame between and adhered to the pair of sheets by an adhesive, the spacer frame comprising:

an elongated base having a supporting surface;
an elongated first leg having a first elongated member joined to the elongated base and a second elongated member joined to the first elongated member of the first leg and having an end portion positioned over the supporting surface of the base;

an elongated second leg having a first elongated member joined to the elongated base and a second elongated member joined to the first elongated member of the second leg and having an end portion positioned over the supporting surface of the base, the first elongated member of the first

leg and the first elongated member of the second leg |
and the base joined together to have a U-shaped
cross section; and

a bead on the supporting surface of the base
with portions of the bead on the supporting surface
of the base and the end portion of the second legs
elongated members of the first and second
memberslegs.